

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Jeffrey Briant Simmon,

Civil No. 13-3136 (DWF/JSM)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Carolyn Colvin, Acting Commissioner
of Social Security,

Defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated December 2, 2014. (Doc. No. 17.) Defendant Carolyn Colvin, Acting Commissioner of Social Security, filed a Non-objection Response to Report and Recommendation on December 4, 2014. (Doc. No. 18.) No objections have been filed to the Report and Recommendation in the time period permitted. The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference.

Based upon the Report and Recommendation of the Magistrate Judge and upon all of the files, records, and proceedings herein, the Court now makes and enters the following:

ORDER

1. Magistrate Judge Janie S. Mayeron's December 2, 2014 Report and Recommendation (Doc. No. [17]) is **ADOPTED**.
2. Plaintiff's Motion for Summary Judgment (Doc. No. [13]) is **DENIED**.

3. Defendant's Motion for Summary Judgment (Doc. No. [15]) is

GRANTED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 12, 2015

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge